

EDMONDS CITY COUNCIL APPROVED MINUTES

December 16, 2003

The Edmonds City Council meeting was called to order at 7:03 p.m. by Mayor Haakenson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor
Dave Earling, Council President
Jeff Wilson, Councilmember
Michael Plunkett, Councilmember
Lora Petso, Councilmember
Dave Orvis, Councilmember
Richard Marin, Councilmember
Deanna Dawson, Councilmember

ALSO PRESENT

Alex Brent-Fielding, Student Representative

STAFF PRESENT

Tom Tomberg, Fire Chief
David Stern, Chief of Police
Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Jim Larson, Assistant Admin. Services Director
Arvilla Ohlde, Parks and Recreation Director
Noel Miller, Public Works Director
Rob Chave, Planning Manager
Dave Gebert, City Engineer
Don Fiene, Assistant City Engineer
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

Mayor Haakenson suggested moving Audience Comments (Agenda Item 10) to Agenda Item 4A.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT FOR APPROVAL OF THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

Council President Earling requested Items U and V be removed from the Consent Agenda. Councilmember Petso requested Item P be removed.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- (A) ROLL CALL**
- (B) APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 2, 2003**
- (C) APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 9, 2003**
- (D) APPROVAL OF CLAIM CHECKS #67288 THROUGH #67509 FOR THE WEEK OF DECEMBER 8, 2003, IN THE AMOUNT OF \$307,923.93.**

- (E) ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM KATHLEEN SCHAVE (\$1,733.18).
- (F) APPROVAL OF LIST OF EDMONDS BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSES WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD.
- (G) APPROVAL OF CONTRACT WITH PUBLICSAFETYTESTING.COM FOR CIVIL SERVICE POLICE TESTING SERVICES AND AUTHORIZATION FOR MAYOR TO SIGN.
- (H) REPORT ON FINAL CONSTRUCTION COSTS FOR THE ANDERSON CENTER WINDOW REPLACEMENT – GLAZING ONLY PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.
- (I) AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LYNNWOOD AND THE CITY OF EDMONDS FOR JOINT FUNDING OF THE RECYCLING COORDINATOR.
- (J) AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL AGREEMENT WITH SNOHOMISH COUNTY FOR THE PURPOSE OF ADMINISTERING THE AFFORDABLE HOUSING TRUST FUND.
- (K) AUTHORIZATION FOR MAYOR TO SIGN EMPLOYMENT CONTRACT WITH JANA SPELLMAN, SENIOR EXECUTIVE COUNCIL ASSISTANT.
- (L) AUTHORIZATION FOR MAYOR TO SIGN POLICE UNIFORM CONTRACT WITH BLUMENTHAL UNIFORMS AND KROESEN’S UNIFORMS.
- (M) AUTHORIZATION FOR MAYOR TO SIGN SECURITY SERVICES AGREEMENT WITH STEVENS HOSPITAL.
- (N) AUTHORIZATION FOR MAYOR TO SIGN AN ADDENDUM TO THE PRISONER DETENTION AGREEMENT WITH THE CITY OF LYNNWOOD.
- (O) AUTHORIZATION TO ADVERTISE FOR STATEMENTS OF QUALIFICATIONS FROM CONSULTANTS FOR THE UPDATE OF THE CITY’S CRITICAL AREAS ORDINANCE, RELATED PUBLIC EDUCATION PROGRAM, AND SUPPORTING SEPA WORK.
- (Q) ORDINANCE NO. 3479 AMENDING THE CITY’S COMPREHENSIVE PLAN TO INCORPORATE THE 2003 CAPITAL FACILITIES PLAN FOR EDMONDS SCHOOL DISTRICT NO. 15, AN UPDATE TO THE STORMWATER COMPREHENSIVE PLAN AND AN UPDATE OF THE SOUTHWEST EDMONDS BASIN STUDY; AUTHORIZING INCORPORATION OF THE UPDATE, PLAN AND STUDY INTO THE CITY’S COMPREHENSIVE PLAN.
- (R) ORDINANCE NO. 3480 AMENDING THE CITY’S COMPREHENSIVE PLAN TO CLARIFY THE BOUNDARY OF THE COMMUNITY COMMERCIAL DESIGNATION FOR CERTAIN PROPERTIES ADDRESSED AS 23114 – 23124 100TH AVENUE WEST, AND TO CLARIFY THAT THE EASTERN HALF OF THE PROPERTY AT 23121 102ND PLACE WEST IS DESIGNATED “SINGLE-FAMILY RESIDENTIAL,” REZONING DESIGNATED PARCELS ADDRESSED AS 23114 – 23124 100TH AVENUE WEST FROM RS-8 AND RM-2.4 TO BN AND THE EASTERN HALF OF PROPERTY ADDRESSED AS 23121 102ND PLACE WEST FROM RM-2.4 TO RS-8.

- (S) **ORDINANCE NO. 3481 AMENDING THE CITY'S COMPREHENSIVE PLAN BY THE ADOPTION OF A NEWLY UPDATED COMPREHENSIVE PLAN MAP IN PARCEL SPECIFIC FORMAT AND SPECIFICALLY DESIGNATING CERTAIN ELEMENTARY SCHOOL PROPERTIES AS "SCHOOLS" RATHER THAN GENERAL "PUBLIC" LAND USES.**
- (T) **ORDINANCE NO. 3482 REZONING PROPERTIES COMMONLY KNOWN AS CHASE LAKE ELEMENTARY, MAPLEWOOD SCHOOL, SEAVIEW ELEMENTARY, SHERWOOD ELEMENTARY AND WESTGATE ELEMENTARY FROM PUBLIC ZONE TO RESIDENTIAL ZONING.**
- (W) **RESOLUTION NO. 1053 COMMENDING COUNCIL PRESIDENT DAVE EARLING FOR HIS SERVICE.**
- (X) **RESOLUTION NO. 1054 COMMENDING COUNCILMEMBER LORA PETSO FOR HER SERVICE.**
- (Y) **RESOLUTION NO. 1055 COMMENDING STUDENT REPRESENTATIVE ALEX BRENT-FIELDING FOR HER SERVICE.**

Item P: Proposed Ordinance Establishing Salaries for Non-Represented Personnel for Budget Year 2004

Councilmember Petso explained this ordinance approved a cost of living adjustment for non-represented employees including 17 whose salaries were above the L5 level and there were no plans to freeze those salaries until at least 2007. She concluded she would vote no on this item as she did not support increases for employees whose salaries were in excess of the L5 policy.

COUNCIL PRESIDENT EARLING MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF ITEM P. MOTION CARRIED (6-1), COUNCILMEMBER PETSO OPPOSED. The item approved is as follows:

- (P) **ORDINANCE NO. 3478 ESTABLISHING SALARIES FOR NON-REPRESENTED PERSONNEL FOR BUDGET YEAR 2004.**

Item U: Approval of Findings of Fact Denying the Proposed Comprehensive Plan Map Amendment to Change the Plan Designation from "Single Family – Small Lot" to "Multi-Family – Medium Density" for Properties Located on 231st Place SW and along the East Side of 97th Avenue W, South of Edmonds Way.

Council President Earling recalled he voted in the minority on this item when it was reviewed by the Council and again wished to vote against it.

COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER PETSO, FOR APPROVAL OF ITEM U. MOTION CARRIED (6-1), COUNCIL PRESIDENT EARLING OPPOSED. The item approved is as follows:

- (U) **APPROVAL OF FINDINGS OF FACT DENYING THE PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE PLAN DESIGNATION FROM "SINGLE FAMILY – SMALL LOT" TO "MULTI FAMILY – MEDIUM DENSITY" FOR PROPERTIES LOCATED ON 231ST PLACE SW AND ALONG THE EAST SIDE OF 97TH AVENUE W, SOUTH OF EDMONDS WAY.**

Item V: Approval of Findings of Fact Denying the Proposed Comprehensive Plan Map Amendment to Change the Plan Designation to "Mixed Use Commercial" for Properties Located at 133 and 137 Sunset Avenue and the Vacant Lot South of 133 Sunset Avenue and North of 111 Sunset Avenue.

Council President Earling recalled he voted in the minority on this item when it was reviewed by the Council and again wished to vote against it.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF ITEM V. MOTION CARRIED (6-1), COUNCIL PRESIDENT EARLING OPPOSED. The item approved is as follows:

- (V) APPROVAL OF FINDINGS OF FACT DENYING THE PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE PLAN DESIGNATION TO “MIXED USE COMMERCIAL” FOR PROPERTIES LOCATED AT 133 AND 137 SUNSET AVENUE AND THE VACANT LOT SOUTH OF 133 SUNSET AVENUE AND NORTH OF 111 SUNSET AVENUE.**

3. PRESENTATION OF RESOLUTION TO COUNCILMEMBER LORA PETSO

Members of the audience, Patrice Raplee and Betty Mueller, presented flowers and a plaque to Councilmember Petso, stating they were from numerous citizens of Edmonds to thank her for her service, dedication, and loyalty to citizens.

Mayor Haakenson read Resolution No. 1054 commending Councilmember Petso for her service as a Councilmember from January 2000 to December 2003. He presented Councilmember Petso with the Resolution and a plaque.

Councilmember Wilson expressed his thanks to Councilmember Petso for her service and expressed his appreciation for the time, effort, sincerity, and her conviction in representing the citizens of Edmonds in a manner she felt was best for the community as a whole. He noted that although he and Councilmember Petso may not have always agreed on issues, he respected her determination and conviction.

Councilmember Dawson commented she would miss Councilmember Petso and had enjoyed serving with her on the Council. She admired Councilmember Petso for her ability to say what she wanted and speak for the community. She respected her ability to listen and express citizens' point of view even if she did not agree with their point of view. She expressed appreciation for Councilmember Petso's intelligence and attention to detail and encouraged her to continue to provide the Council her insight.

Councilmember Marin thanked Councilmember Petso for her service on the Council.

Mayor Haakenson acknowledged philosophically, Councilmember Petso and he seldom agreed. He thanked Councilmember Petso for her four years of service and particularly her consistency on issues.

Council President Earling commented few people understand the amount of time Councilmembers put into the job. He expressed his appreciation for Councilmember Petso's independent spirit. He commented that although there were times they may have been on the opposite side of issues, Councilmember Petso had the community's best interest in mind.

Councilmember Orvis expressed his admiration for Councilmember Petso's activism and courage and wished her the best of luck in future endeavors.

Councilmember Plunkett referred to the words on the plaque thanking her for her service, dedication and loyalty, concluding she deserved those three positive adjectives. He respected her courage, independence and sincere convictions.

Councilmember Petso thanked the Council for their comments and the plaque and expressed her thanks to everyone for their support. She noted it would be exciting to watch the new Council handle upcoming issues. She further thanked her family for their support and enlightening conversations regarding issues facing the Council.

4. **PRESENTATION OF RESOLUTION TO COUNCIL PRESIDENT DAVE EARLING**

Mayor Haakenson read Resolution No. 1053 commending Council President Earling for his service as Council President from January 2003 to December 2003 as well as for his distinguished service on the Council from January 1992 through December 2003. He presented Council President Earling with the Resolution and a gift from the Council.

Councilmember Wilson commented on his opportunity to work with Council President Earling both as a staff member and as a Councilmember. As a staff member, he appreciated Mr. Earling's ability to consider staff's presentation and the public's comments and reach a conclusion that everyone respected and understood. He expressed his respect for Mr. Earling's leadership as Council President and the assistance he offered to Councilmembers.

Councilmember Dawson noted it would take time to get used to someone else as Council President as Council President Earling had been in that role since she joined the Council. She commended Mr. Earling for assisting Councilmembers in learning about their responsibilities. She concluded the Council and the public would miss him as a Councilmember.

Councilmember Marin commented after two weeks in military exercises, he had a renewed thankfulness for the community and country. He noted Council President Earling was the type of person who has been at the forefront of the community helping to shape and maintain it as well as representing Edmonds' view in a regional context.

Mayor Haakenson commented he had learned a great deal from Council President Earling over the past eight years. He noted Mr. Earling's best skill was the ability to take six distinct personalities and viewpoints of Councilmembers and find consensus. Mayor Haakenson concluded he had thoroughly enjoyed knowing Mr. Earling over the past eight years both as a Councilmember and a person and it was impossible to put into words everything Mr. Earling has done for the Edmonds community. He thanked him on behalf of the Edmonds community and staff for his support. He wished Council President Earling the best in the future.

Councilmember Petso commented Council President Earling was a model Council President, fair, not manipulative, not critical, just did a great job.

Councilmember Orvis noted Council President Earling had been a great professor, serving with integrity and as a model to newer Councilmembers.

Councilmember Plunkett commented Council President Earling always treated him with respect, took his opinions, and there was a good exchange. He commended Mr. Earling for the way he conducted himself as a Councilmember and President and his ability to speak to the issue and not to the person. He looked forward to Mr. Earling's future efforts in South Snohomish County.

Mayor Haakenson recognized Council President Earling's wife, Susan, in the audience and expressed his appreciation for her patience throughout Council President Earling's 12 years of service on the Council.

Council President Earling thanked the Councilmembers, noting among the 21 Councilmembers he has served with over the years, there are several giants who have helped shape public policy in Edmonds. He noted it had been an honor to serve with those Councilmembers and the current Council, but most importantly, an honor to serve the citizens of Edmonds. He noted few understood the time and

commitment necessary to do a good job in public politics, commenting he had not read a book in the past two years because he was always reading meeting packets.

Council President Earling expressed his thanks to his wife Susan for being a great partner, noting on December 27 they would be married for 34 years. He expressed his appreciation to his wife for giving him the freedom to work in the public.

Council President Earling pointed out one of the main goals as an elected official was to consider ways to improve the quality of life for the community. He recalled in 1992 a group of Councilmembers determined the public facilities in the City, built in the 1950s, were in deplorable condition, and made a pact to provide as many public facilities as possible. He noted in 1995, the Public Works building and the new City Hall were opened, the Public Safety building was opened in 1999, and in 2003, Fire Station 16 was opened, completing the plan envisioned in 1992. He recalled in 1992, the City purchased the Anderson Marina, noting another of the Council's commitments has been to purchase as much waterfront as possible for the benefit of the community. He credited the Andersons who sold the property to the City for less than the Department of Transportation offered for the property. He recalled the dedication of a park at Anderson Marina in 1996 and the purchase of the Unocal site in 2001. He took particular pleasure in the City's role in 2003 to help piece together the Edmonds Center for the Arts, a legacy for the community that would also have great economic benefit.

Council President Earling referred to his involvement on a regional level, noting he was most proud of his service on the Puget Sound Regional Council, and as Chair of the Transportation Policy Board, they had channeled \$230 million into the region to improve transportation. The other regional role he was proud of was Sound Transit, noting today Sound Transit moved 24,000 people per day on their bus system. He noted 40% of the capital construction projects had been completed including HOV on-ramps and lanes as well as transit centers. He revealed an announcement to be made on December 17 that commuter rail north would start before year-end with stops in Edmonds and Everett.

Council President Earling encouraged the Council to keep their focus on the community, pointing out Edmonds was the second largest city in Snohomish County with 40,000 residents. He noted it was a great responsibility to ensure their interests were looked out for in the region and the county. He charged the Council with holding Edmonds' place in Snohomish County and the region as that was where decisions were made and financing decided. He thanked the Council for honoring him and expressed his appreciation to the citizens of Edmonds for providing him the opportunity to serve them.

Mayor Haakenson declared a 20 minute recess for a reception in honor of Council President Earling and Councilmember Petso.

4A. AUDIENCE COMMENTS

Dale Hoggins, 510 4th Avenue S, Edmonds, thanked the Council for their efforts on behalf of the citizens of Edmonds, the time they spent at Council and committee meetings as well as their willingness to run for office. He commented the Council received too little thanks and praise for their public service and did not deserve the name-calling, ridicule, threats, abuse and accusations that are made. He acknowledged the Council had a difficult job, thanking them for their fairness, openness to ideas, and patience. He regaled the Council with the history of politics in Edmonds.

Arvilla Ohlde, Parks & Recreation Director, expressed her thanks to Council President Earling for his contributions over the past 12 years to parks and recreation. As the Parks & Recreation Director, she explained her role was to facilitate the vision of the elected; Council President Earling understood the

value of securing, preserving and protecting public parks for citizens of Edmonds. She noted he was instrumental in continuing to protect the commitment to retain the REET (Real Estate Excise Tax) for capital funds to acquire and provide parks for the community. She enumerated the results, Brackets Landing, Marina Beach, the Edmonds waterfront, a performing arts center, beautification, and playgrounds. She commented over the years she has worked with many elected officials who were either politicians or statesmen; the difference being a politician looks to the next election and a statesman looks to the next generation – Council President Earling was a statesman. She referred to a saying from a 1000 A.D. era peacemaker that reflected Council President Earling’s vision, “think not forever of yourself nor of your own generation, think of continuing generations, think of our children and those yet unborn whose faces are coming from beneath the earth.” She presented Council President Earling with a photo of the newly constructed waterfront walkway as the tide was slowly coming in, noting it reflected the legacy Council President Earling provided the citizens of Edmonds.

5. PRESENTATION OF RESOLUTION TO STUDENT REPRESENTATIVE ALEX BRENT-FIELDING

Council President Earling explained Edmonds was only one of 2-3 cities in Snohomish County that had a Student Representative. He explained the Student Representative was appointed alternating between Edmonds-Woodway High School and Meadowdale High School; Ms. Brent-Fielding was from Meadowdale High School. He read a Resolution commending Alex Brent-Fielding for her service on the Council from September to December 2003 and presented her a plaque recognizing her for her valued effort as Student Representative.

Student Representative Alex Brent-Fielding commented it was more than an honor and pleasure to serve as Student Representative. She noted she had enjoyed all Council meetings and expressed her thanks for the opportunity to serve. As she would be leaving the meeting early to study, she reported Meadowdale High School completed their food drive, collecting in excess of 92,000 cans.

6. PUBLIC HEARING ON ORDINANCE NO. 3474: ADOPTING AN INTERIM ZONING CODE ORDINANCE PURSUANT TO RCW 35A.63.220; AMENDING TITLE 20 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY ADDING A NEW CHAPTER 20.16 ESSENTIAL PUBLIC FACILITIES THERETO, AND ADOPTING REGULATIONS GOVERNING THE SITING, PERMITTING AND MITIGATION OF ESSENTIAL PUBLIC FACILITIES.

Development Services Director Duane Bowman explained this was an interim zoning ordinance that established criteria and a process for siting Essential Public Facilities. The City was required under the Growth Management Act to have procedures for siting Essential Public Facilities within the City. He explained the Planning Board would review and make recommendation regarding adoption of permanent regulations. The interim ordinance requires Essential Public Facilities to go through a Conditional Use Permit Process and establishes decision-making criteria. He summarized the public testimony from tonight’s public hearing would be transmitted to the Planning Board for consideration during their review of this issue.

Mayor Haakenson opened the public participation portion of the public hearing. Hearing no comments, Mayor Haakenson closed the public hearing.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT EARLING, TO ADOPT THE PROPOSED INTERIM ZONING ORDINANCE. MOTION CARRIED UNANIMOUSLY.

7. **PUBLIC HEARING ON A PROPOSED ORDINANCE REGARDING ILLEGAL DISCHARGES TO STORM WATER SYSTEM AND WATERCOURSES.**

Assistant City Engineer Don Fiene explained the purpose and intent of the ordinance was to comply with the National Pollution Discharge Elimination System (NPDES) and other state and federal laws related to the Endangered Species Act (ESA), regulate contribution of pollutants to the storm system, prohibit illicit connections to the system, and provide the city authority for inspection, surveillance, monitoring and enforcement. The problem with the current code was it was not definitive, was difficult to enforce, and the penalties were too light.

Mr. Fiene provided highlights of the new code including the list of illegal discharges into the storm system; prohibits illicit connections to the storm system; gives the city authority to access sites where discharges are occurring; gives the city the authority to monitor sites; allows for a wide latitude of penalties, fines and other remedial actions such as suspension of water service, civil penalties, abatement by the City and ability to charge trip costs to the violator; and delineates enforcement procedures. He advised staff's recommendation was adoption of the illegal discharge ordinance.

Mr. Fiene explained illicit discharges could be anything that was not composed entirely of stormwater. He emphasized the goal was to have stormwater only carrying surface water. He provided examples of illicit discharges such as soapy water from a commercial carwash, oil from an oil change, etc.

City Attorney Scott Snyder explained because the City operated a secondary sewage treatment plant, it was subject to a permit for discharge from the facility. He noted the City had an ordinance governing discharge into sanitary sewers, this ordinance was similar and items that could not be discharged into the sewer also could not be discharged into the stormwater system. He advised the Department of Ecology was discussing retroactive application that had far more stringent requirements and could impose a very hefty cost on all municipalities to treat stormwater discharge.

Councilmember Petso noted the ordinance prohibited illegal connections even if they were legal at the time the connection was made. She asked whether there was any intent to work with residents who may now have an illegal connection. Mr. Fiene answered the ordinance did not require a penalty but provided the latitude to assess a penalty. He acknowledged staff would work with residents in those cases.

Councilmember Wilson referred to the discharge prohibitions in Section 7.200.070, and requested staff address the impact the ordinance would have on property owners. Mr. Fiene answered public education was an important part of the implementation of the ordinance. He noted staff planned to work with residents; if a problem persisted, penalties could be levied.

Mr. Snyder recalled the City's wastewater sewage treatment plant was sued under the Clean Water Act in the past. Because the Clean Water Act was an absolute liability statute, any violations in excess of the NPDES limit, the citizens of the City were liable for a \$50,000 per day penalty whether there was intent or not. He noted if the DOT implemented retroactive limits, the City would have little choice, either an individual would pay or the taxpayers would pay. In the interest of public education, he emphasized the city's streams were not dumping grounds for lawn clippings and yard waste because of the negative effect these materials can have. He pointed out the NPDES and Clean Water Act require the City to have this ordinance and penalties in place.

Mr. Fiene clarified stormwater was not treated in a treatment plant. It would be very costly to treat stormwater and public education and the illicit discharge regulations were preferable to a requirement to treat stormwater.

For Councilmember Wilson, Mr. Fiene described the public education process that has been underway including the Stormwater Comprehensive Plan, basin studies, articles in the newspaper, Beach Ranger program, etc. He acknowledged the public education process would need to be more extensive.

Mayor Haakenson opened the public participation portion of the public hearing.

Roger Hertrich, 1020 Puget Drive, Edmonds, expressed concern with the deicing material the City spreads on the streets, questioning whether that practice would be eliminated.

Public Works Director Noel Miller advised one of the solutions applied to the road was calcium magnesium acetate, a vinegar solution that had been tested by the University of Washington Fisheries biologists and found to be nearly an inert substance that did not affect aquatic life in streams. He noted the City had switched to that solution rather than the traditional salt/sand solution.

Hearing no further public comment, Mayor Haakenson closed the public hearing.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF ORDINANCE NO. 3483. MOTION CARRIED UNANIMOUSLY. The ordinance adopted is as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF EDMONDS CITY CODE TITLE 7 UTILITY CHARGES AND REGULATIONS TO ADD A NEW CHAPTER 7.200 ILLEGAL DISCHARGES TO STORM WATER SYSTEM AND WATERCOURSES; AMENDING THE PROVISIONS OF EDMONDS CITY CODE TITLE 6 HEALTH AND SANITATION TO ADD A NEW CHAPTER 6.70 POLLUTION OF WATERCOURSES; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

8. PROPOSED ORDINANCE AMENDING THE 2003 BUDGET AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS.

Assistant Administrative Services Director Jim Larson explained the budget was amended twice each year due to unanticipated appropriations made during the year. He explained the ordinance had few amendments, many were related to the closure of funds that the Council authorized at the last Council meeting as well as other small items. He explained State law required that the City operate within budgeted appropriations at the fund level.

Councilmember Petso inquired about the transfer into the Public Safety Construction Fund when construction had been completed. Mr. Larson stated the balance from Fund 325 was transferred to allow the closure of that fund. The funds would be used as Council authorized for other capital projects. Councilmember Petso inquired whether the funds could be transferred to another fund such as the Building Maintenance Fund. Mr. Larson answered no, as Building Maintenance was not a capital fund.

Councilmember Petso asked whether the City had a capital projects fund with a more general title. Mr. Larson explained the Public Safety Construction Fund was one of only two capital construction funds; the other was the Bond Construction Fund where the proceeds from the bonds issued against increased electrical utility tax were collected.

Mayor Haakenson opened the public participation portion of this item. There were no members of the public who wished to provide testimony.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF ORDINANCE NO. 3484. MOTION CARRIED UNANIMOUSLY. The ordinance approved reads as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 3436 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

9. AUTHORIZATION FOR MAYOR TO SIGN A QUITCLAIM DEED RECONVEYING CERTAIN PORTIONS OF PINE STREET RIGHT-OF-WAY BETWEEN SR104 AND 3RD AVENUE SOUTH TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT).

COUNCIL PRESIDENT EARLING MOVED, SECONDED BY COUNCILMEMBER MARIN, TO REMOVE THIS ITEM FROM THE TABLE. MOTION CARRIED UNANIMOUSLY.

City Engineer Dave Gebert recalled last week staff recommended to the Council that certain portions of the Pine Street right-of-way be reconveyed to WSDOT. The Council tabled the item and instructed staff to attempt to negotiate an agreement with the abutting property owner, Syd Locke, to close his western driveway. Mr. Gebert explained on December 11, Development Services Director Duane Bowman and he met with Mr. Locke to attempt to negotiate an agreement. During the negotiations, Mr. Locke stated the following as his minimum demands to reach agreement:

1. The WSDOT fence be placed along the edge of the sidewalk instead of along the right-of-way/limited access line as required by WSDOT.
2. The permitted width of the easterly (WSDOT permitted) driveway be expanded from 14 feet to 24 feet.
3. The City install the WSDOT fence.
4. His civil violation fines (currently \$27,600) related to his building permit for his garage be waived by the City.
5. All disputed issues/requirements related to his building permit for his garage be waived by the City.
6. And, either
 - a. The City transfer ownership of the triangular piece of right-of-way between the sidewalk and the right-of-way/limited access line to him (with limited access restrictions attached), OR
 - b. The City pay him cash in the amount of what he perceives to be lost property value. Mr. Locke stated that his guess is that this amount is in the range of \$150,000 to \$200,000.

Mr. Gebert advised staff found the demands unacceptable to the City. Staff contacted WSDOT with regard to Items 1, 2, and 6a and WSDOT advised those items were not acceptable to them. Therefore, staff determined the parties were too far apart to justify continued negotiations and again recommended the Council authorize reconveyance of the portion of the right-of-way to WSDOT.

City Attorney Scott Snyder explained this was an unusual situation because while the City by contract with the State was obligated to maintain the limited access nature of the right-of-way, the State having relinquished control, still maintained decision-making authority over that right-of-way. Mr. Snyder displayed the cooperative agreement and referred to the language that described WSDOT's control of the access right after relinquishment to the City. He referred to the transfer and Interlocal Agreement from the State that was expressly conditioned on the City's maintenance of access control.

Mr. Snyder explained the State's position has been if the City attempts to extinguish those rights, they revert to the State as the State's relinquishment was conditioned on the maintenance of the limited access. The agreement states the City agrees to protect the control access as identified on the map, the right-of-

way of Pine Street to the easterly driveway entrance to Mr. Locke's property. The warranty deed that the predecessor in title, Marian Locke, gave to the State expressly provided for the easterly entrance as the one and only entrance to be preserved. He summarized if the City were to try to transfer or limit the limited access rights, the State would have the ability to reversion of title to the property.

COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO SUSPEND THE RULES TO ALLOW MR. LOCKE TO SPEAK. MOTION CARRIED UNANIMOUSLY.

Syd Locke, 110 Pine Street, Edmonds, referred to the list of demands, noting he understood the meeting would include discussion of items that were possible solutions. With regard to #1, he stated the fence would heavily impact his property and would provide the same general control in that location. With regard to #2, he noted the driveway was installed in the early 1960's; if it were the only entrance, it was reasonable to widen it to the east. With regard to #3, Mr. Locke indicated he was given permission in the 1990's to take down the fence. He advised he installed another fence, valued at \$5,000 – 6,000, on the right-of-way.

With regard to #4, Mr. Locke advised his garage was not being inspected because of the driveway and the fence. If he offered in good faith to close the westerly driveway, he felt it was appropriate for the City to waive the fines. He noted staff has always indicated #5 was a separate issue. He advised if #1-5 could not be performed, he was asked to provide the value of the property. Although his original guesstimate was \$150,000 - \$160,000, the actual value was \$8 per square foot or \$30,000.

Mr. Locke stated he had been waiting for staff to call since Friday and did not receive a call until today. In the interim, he spoke with WSDOT himself, an individual in the real estate division. He noted the City has spoken to an engineer with the highway department. The representative he spoke with suggested he and the City submit a written proposal to which "they would be very happy to reply and have us do it." He concluded it was not an unusual request. He suggested arbitration regarding this issue so that the items with the least impact could be resolved first.

Councilmember Plunkett asked whether Mr. Locke was interested in working on Items #1-5 and/or #6 or work on #1-5 and either #6. Mr. Locke advised the intent was 1-5 were the least impact to both parties. Councilmember Plunkett clarified if Item #1-5 could be resolved, he [Mr. Locke] would not require #6. Mr. Locke agreed.

Councilmember Plunkett asked whether Mr. Locke had discussions with staff regarding what he may be willing to do with regard to Items #1-5. Mr. Locke answered the parties were to find out the State's position prior to making any decision. Councilmember Plunkett concluded the State, City and Mr. Locke had not had sufficient discussion or information to reach a conclusion. Mr. Locke agreed.

Councilmember Plunkett noted emails today from Mr. Locke's attorney indicated good progress was being made and it was felt that a satisfactory conclusion could be developed. However, Mr. Snyder responded the parties were not getting anywhere. Mr. Locke advised the email from his attorney reflected his input to the attorney.

Councilmember Orvis asked if Mr. Locke was in a position to continue talking about these issues. Mr. Locke stated he was and looked forward to drafting a letter to WSDOT regarding resolution of Items 1-4.

Councilmember Marin asked who gave Mr. Locke permission to remove the fence referred to in Item #3. Mr. Locke answered the City gave him permission to remove the chain link fence when the permit was issued for the driveway.

Mr. Snyder disagreed the City advised Mr. Locke he could remove the State's fence from SR104 to his driveway. Mr. Locke offered to provide the drawings showing the fence removed. Mr. Snyder reiterated staff did not advise him that he could take down the State's fence.

Councilmember Marin commented it was odd that the City would give permission to take down a fence owned by WSDOT. Mr. Locke commented at that time the City had owned the property since the 1970's and there were places the fence was down and there was a driveway where his westerly driveway is now that was the Kelly residence before WSDOT bought the property. He described the ditch across the property and culvert that was required by the building permit.

Councilmember Marin observed the State was involved in Items #1 and 2.

Councilmember Wilson asked whether Mr. Locke contacted WSDOT for a permit to expand the existing driveway. Mr. Locke answered no, commenting he was unaware until two years ago that it was State Highway as his plans state City of Edmonds on that property. Councilmember Wilson pointed out Mr. Locke was aware his mother had deeded the property to the State. Mr. Locke explained a short plat was permitted in 1985 and there were no restrictions on the short plat. In 1989, he applied for and received a building permit.

Councilmember Wilson inquired whether a title company was used. Mr. Locke answered yes, noting the title showed no restrictions.

Councilmember Wilson asked why Mr. Locke had not sought WSDOT's permission to widen the driveway when he became aware in the past 2-3 years that WSDOT controlled the property. Mr. Locke advised he contacted the State in 1991 regarding drainage and was advised no changes were needed to the drainage structures. At that time a letter was issued requesting the driveway be closed. Councilmember Wilson asked Mr. Locke if he inquired with the State regarding widening the driveway at that time. Mr. Locke answered it was not the State's property, it belonged to the City. Councilmember Wilson explained that because the State controlled the access rights, they controlled how much access was allowed.

Councilmember Dawson asked whether the fines were solely related to the garage. Mr. Locke answered most of the garage had been inspected with the exception of the sheetrock and insulation. He called the City to request an inspection and was told unless he closed the driveway and reinstalled the fence, the City would not inspect the garage. Councilmember Dawson concluded that because of the issues with the driveway and fence, the City refused to inspect the garage. Mr. Locke agreed.

Councilmember Dawson enumerated the issues in this matter, 1) this was really an issue between Mr. Locke and the State, 2) Mr. Locke feels he has been wronged because the City issued a permit for the driveway that the State now wants removed, and 3) issues related to the garage. She referred to Item #5, asking whether that was a deal-breaker for Mr. Locke. She summarized #5 indicated Mr. Locke wanted to be allowed to do whatever he wanted with the garage building, noting if that were the case, there was little point in negotiating further because the City could not agree to that. Mr. Locke offered as a token to close the driveway now if the fines could be stopped during negotiations. He clarified his intent with #5 was not to have the City waive all building permits for the garage; he only wanted to get the garage inspected and because the City had refused to inspect it, waive the requirement for another permit.

Councilmember Dawson asked whether resolving issues with regard to the garage were integral to success on the other demands. Mr. Locke suggested separating the issues.

Mayor Haakenson requested Mr. Snyder describe why this issue was before the Council. Mr. Snyder explained after 2½ years of discussions with the State and Mr. Locke, staff was in primarily the same position as when discussions began. Staff's request at this time was to transfer the property to the State and allow Mr. Locke to work with the State. He noted many of the items on Mr. Locke's list were decisions that must be made by the State such as the width of the driveway, eliminating the westerly driveway, the position of the fence, and any lease/transfer of the triangular property. As staff finds itself in the middle, they recommend reconveying the property to the State to allow Mr. Locke and the State to resolve it. He reiterated this was not a dispute between Mr. Locke and the City but rather Mr. Locke and the State. However, the City was obligated to enforce the limited access rights as shown on the map.

Mayor Haakenson asked why the City was negotiating on behalf of WSDOT. Mr. Snyder answered the City was not negotiating on behalf of WSDOT, it was simply carrying messages back and forth between the parties.

Mayor Haakenson asked if Item #1-3 were to be done with City funds. Mr. Locke answered there would be no expenditures other than the fence. He noted if the widening of the driveway were allowed, the cost could be negotiated.

For Councilmember Orvis, Mr. Locke advised the permit for the garage showed the westerly driveway. While the garage was under construction, the City demanded the westerly driveway be closed and refused to inspect the garage and instituted a \$100/day fine.

Councilmember Orvis observed #5 meant the garage permit would not be dependant on what was occurring in the right-of-way but he would not be absolved from code requirements. Councilmember Orvis clarified the garage must adhere to the City code. Mr. Locke agreed.

Councilmember Plunkett asked why the City should be involved in an issue that was between the State and Mr. Locke. Mr. Locke noted the city was in violation, not him. His permit was granted 15 years ago and he has used the driveway during that time in violation of the City's agreement with the State.

Councilmember Plunkett concluded Mr. Locke's actions were predicated on the City's actions, therefore, the City should be involved. Mr. Locke agreed, pointing out the City got him into this problem, they should help him get out.

Mayor Haakenson asked staff to reiterate their discussions with WSDOT regarding the six issues. Mr. Gebert stated he asked WSDOT if Items 1, 2 and 6A were acceptable, and they answered they were not. Mr. Snyder referred to Mr. Locke's building permit plans that clearly show the edge of his property as the right-of-way line shown on the map. He acknowledged the City made a mistake granting the driveway entrance and were obligated to enforce the limited access right-of-way. If the City did not want to enforce the limited access right, he recommended the City reconvey the property to the State.

Mr. Snyder pointed out City fines did not automatically accrue; the civil violation process provided notice to the property owner, posting of the property, and an appeal process. Mr. Locke did not appeal the violation and fines began to accrue. He explained the City had the right to negotiate and/or waive obligations to the City. He reiterated many of Mr. Locke's demands required negotiation with the State. If a mistake were made, that was the reason the City had insurance. He used the analogy of staff allowing the construction of a 35 foot tall house and later requiring 10 feet to be removed for which the property owner could file a claim. He recalled a recent walk away settlement where a structure that was permitted incorrectly was removed, fines were waived and the property owner waived the City's liability.

Councilmember Petso asked why fines had been levied. Development Services Director Duane Bowman explained the fines were associated with the building permit; Mr. Locke's building permit lapsed and an enforcement issue was pending. He noted the fines were only referred to because it was raised by Mr. Locke as a method of reaching resolution. Mr. Bowman reiterated the six items were the minimum Mr. Locke indicated were needed to make him whole. He recalled Mr. Locke indicated at their meeting that if all six were not agreed to, it would be a deal breaker for him.

Councilmember Petso asked what normally happened when a building permit lapsed. Mr. Bowman answered most people contacted staff when they received a notice of violation to work out a solution. He explained Mr. Locke's fine was related to the expiration and lack of a building permit, and closure of the driveway. Mr. Snyder suggested staff provide the Council a chronology of the events to date. He reiterated Mr. Locke needed to work out the property issues with the State. The Council could choose to waive the fine in exchange for Mr. Locke waiving liability on the driveway entrance.

Councilmember Petso asked whether there was a fine for an expired building permit. Mr. Snyder answered there was if the work had not been inspected and finalized. He recalled prior to this dispute, there was a dispute with Mr. Locke regarding an illegal home occupation and a security trailer on the property; both proceeded through enforcement action. With regard to Mr. Locke's reference to a delay in starting the garage, he explained building permits were allowed one six-month renewal. He again suggested a chronology be provided to the Council as this was the result of a series of events that had occurred over 7-8 years.

Councilmember Wilson observed there appeared to be two separate and distinct issues, one was ownership and enforcement of the State's limited access requirements and an unrelated issue regarding fines associated with a building permit. Mr. Snyder explained the State relinquished the property to the City conditioned on the City enforcing limited access rights which the State required of Marian Locke. Although the City took over ownership of the Pine Street limited access right-of-way, it could not impair the limited access rights that the State acquired at public expense. State statute provides for the granting of a wide variety of rights such as the use of drainage facilities, but only the State could approve any change in the existing limited access right. The City's obligation under the Interlocal Agreement was to enforce the rights shown on the original map.

Councilmember Wilson noted Items #4 and 5 were related to the building permit and not enforcement of the limited access provisions. Mr. Snyder agreed. Councilmember Wilson suggested separating the limited access and the building permit issues.

Council President Earling referred to Mr. Locke's testimony, summarizing the issues were the State's to resolve. He suggested a motion to support staff's recommendation followed by a second motion to freeze the accumulated fine in the current amount and give staff and Mr. Locke 120 days to negotiate resolution. At the end of 120 days, fines would again begin to accumulate.

Councilmember Dawson observed staff and Mr. Locke received different answers from WSDOT. She asked if there were advantages to the City continuing to work this out with Mr. Locke if it were true that WSDOT would accept these demands. Mr. Gebert did not see any advantage as these were issues to be resolved by the State.

Councilmember Dawson asked if there was any advantage to the City working with Mr. Locke to avoid a potential lawsuit with Mr. Locke. Mr. Snyder noted that absent a negotiated waiver, the City could be sued by Mr. Locke and/or the State. He favored Council President Earling's approach, noting the City's position with the State has been to support what Mr. Locke wants – use of the driveway for parking and

turnaround, not requiring removal of the driveway, and locating the fence closer to the driveway, however, the City has not been successful in negotiating this with the State. If Mr. Locke could negotiate his requests with the State, Mr. Snyder indicated staff would be happy to support him.

COUNCIL PRESIDENT EARLING MOVED, SECONDED BY COUNCILMEMBER WILSON, THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THE QUITCLAIM DEED RECONVEYING PORTIONS OF THE PINE STREET RIGHT-OF-WAY BETWEEN SR104 AND 3RD AVENUE SOUTH TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION.

Councilmember Plunkett noted insofar as Mr. Locke has obtained information that differed from information the City received and because the City issued a permit in 1989 for the driveway, he suggested the City continue to have some responsibility for this negotiation. He recommended Mr. Locke and Mr. Gebert continue to negotiate with the State.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO TABLE THE MOTION. UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS PLUNKETT, ORVIS, AND PETSO IN FAVOR, COUNCIL PRESIDENT EARLING, AND COUNCILMEMBERS WILSON, MARIN, AND DAWSON OPPOSED.

Councilmember Orvis advised he would not support the motion because he did not agree there was an advantage to reconveying the property to the State. He noted the City would need to indemnify the State for any lawsuits from Mr. Locke including legal fees and retribution. He preferred the City participate with the citizen, particularly because the City was one of the parties responsible for the situation.

Councilmember Wilson pointed out taking this position would not result in the City losing any negotiating advantage and could possibly increase the City's ability to negotiate with the State. With regard to responsibility for this issue, Councilmember Wilson pointed out there were others equally as responsible including the title company who did not show the limited access. He recommended the City reconvey the property to WSDOT and offer staff's assistance to reach resolution.

Councilmember Marin expressed support for the motion, pointing out the first two items on the list were beyond the City's control and because the second motion Council President Earling intended to make would provide relief for Mr. Locke.

Councilmember Dawson advised she would support the motion largely because of the second motion Council President Earling intended to make and because reconveying the property to the State did not appear to harm the citizen. She noted the City would assist Mr. Locke in his negotiations with the State as well as negotiate with him regarding the other issues. With regard to legal costs for the improperly granted permits, she noted any claim would be defended by the City's insurance carrier, WCIA. The City would likely save by negotiating the issues separately rather than as a package. She concluded this action would make it easier for Mr. Locke to get the issues resolved.

MOTION CARRIED (4-3), COUNCIL PRESIDENT EARLING AND COUNCILMEMBERS DAWSON, WILSON, AND MARIN IN FAVOR; COUNCILMEMBERS ORVIS, PETSO, AND PLUNKETT OPPOSED.

COUNCIL PRESIDENT EARLING MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO FREEZE THE FINES AT \$27,600 FOR 120 DAYS. DURING THE 120 DAYS, STAFF WAS AUTHORIZED TO NEGOTIATE A WALK AWAY AGREEMENT WITH MR. LOCKE. AT THE END OF 120 DAYS, THE FINES WOULD AGAIN BEGIN TO ACCUMULATE IF AGREEMENT WAS NOT REACHED.

Councilmember Marin clarified the intent of the motion was if Mr. Locke was able to resolve his issues with the State and come into compliance with the City's code, the fines would be waived. Council President Earling answered that may be possible. Mr. Snyder explained pursuant to the City's contract with the collection agency, the City would request the fine be returned to the City.

Councilmember Orvis commented he did not want to vote against stopping the fine accumulation, but preferred the fines be waived immediately. He disagreed the driveway issue could be separated from the garage because the driveway was the reason the garage permit was delayed. He noted that when a person received a permit for an improvement, the permit needed to be the right to make that improvement and it was wrong to request a citizen who was granted a permit to remove the improvement. He recommended a different approach and objected to the use of fines to leverage solutions.

COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO AMEND THE MOTION TO WAIVE THE FINE.

Council President Earling indicated he would oppose the amendment because the negotiating process may lead to that outcome.

MOTION FAILED (2-5), COUNCILMEMBERS ORVIS AND PETSO IN FAVOR; COUNCIL PRESIDENT EARLING AND COUNCILMEMBERS WILSON, MARIN, PLUNKETT AND DAWSON OPPOSED.

Councilmember Dawson suggested a friendly amendment to request staff report back to Council in 100 days to avoid the fines automatically begin to accrue again if agreement were not reached. Council President Earling agreed.

Vote on main motion: MOTION CARRIED UNANIMOUSLY.

11. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF DECEMBER 9, 2003

Finance Committee

Councilmember Orvis reported the committee reviewed changes to the City's MEBT Plan, changes that were required by the IRS. The committee also discussed the 2003 budget amendments which were passed on tonight's agenda. The committee then reviewed a concept whereby the City would not collect public disclosure forms but would provide any citizen the forms via printing them from the internet. He noted the original purpose of having the forms available at City Hall was to give local residents access to public disclosure documents, information that was now readily available via the internet. The final item the committee discussed was the Olympic View franchise agreement.

Public Safety Committee

Councilmember Dawson advised three of the items discussed by the committee were approved on the Consent Agenda, contract for police uniforms with Blumenthal's and Kroesen's, security services agreement with Stevens Hospital, and Prisoner Detention Agreement with City of Lynnwood. The committee also discussed the contract for kenneling services with Adix Bed and Bath for dogs and cats. This item was tabled to the January meeting to give the public proper notification on the veterinary contract and the ordinance to amend the existing spay/neuter ordinance.

12. MAYOR'S COMMENTS

Mayor Haakenson wished everyone a happy holiday, advising the next Council meeting was January 6, 2004.

13. **COUNCIL COMMENTS**

Councilmember Dawson commented she would miss Council President Earling and Councilmember Petso.

Councilmember Wilson wished everyone a happy holiday and thanked Council President Earling and Councilmember Petso for their service.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO EXCUSE COUNCILMEMBER MARIN FROM THE LAST TWO COUNCIL MEETINGS (DECEMBER 2 AND 9). MOTION CARRIED (6-0-1), COUNCILMEMBER MARIN ABSTAINED.

Councilmember Orvis wished everyone a Merry Christmas.

Councilmember Petso thanked everyone again for their comments during the reception, commenting today had been overwhelming including emails, telephone calls, and cards from citizens.

Council President Earling wished Senior Executive Council Assistant Jana Spellman continued good humor when dealing with elected officials. To City Attorney Scott Snyder, he wished continued patience and thanked him for his good advice to and for the citizens of Edmonds. To City staff, he thanked them for their help and public service, urging them to remember they were the soul of the City. To Mayor Haakenson, he commended him for his stellar leadership and wished him the best in finding the words and subject matter to continue guest columns in the press for another four years. To City Clerk Sandy Chase, "the kindest person I know," he wished her one good temper tantrum to tell a constituent what she really thought. To the town bullies, he wished them happier times, noting negative energy caused little progress. To the City Council, he wished the wisdom to make good decisions and urged them to remember they were only temporary occupants of their positions. To the citizens of Edmonds, he wished goodwill and good health and encouraged them to remember the City's elected were good people trying to do good work. He thanked the City for the opportunity to serve.

With no further business, the Council meeting was adjourned at 10:09 p.m.